

## Licencing and Public Protection Committee

### Feedback

Sajeela Naseer, Head of Licensing, Markets and Registration, made introductory comments relating to the report and drew the attention of the Committee to the information contained in the report. Members

\* The report was welcomed and that previous to this report it was only done in piecemeal and they would adopt this policy. There were a number of roads throughout the city that was named and designated, but the question was whether officers from Transportation agreed and were they supportive, and whether they would police the red routes across the city.

\* It was time that the City Council had a street trading policy in place, but they needed to be mindful that they ensured that every person that had a consent was reached in a way that they fully understand so that they could not come back to say they were not aware of the policy. Member stated that there were no trading associations on the list in the document, but that he was aware of Saltley Traders Association which should be included as well as other trading associations across the city as they should be included.

\* Enquired where this stood in relation to charities and whether this would have an impact on people still being able to collect money and donations for charities, particularly on the routes they were designating as no one would be allowed to trade there. The Member referred to the proposed Metro extension which was discussed in the Transport Plan this week and around the Bordesley Action Area Plan. The Member further questioned whether the proposed Metro extension from the City Centre through Birmingham East straight to the Airport was included in the consultation as they would not be able to carry out any trading. There was also Warwickshire County Cricket Club, Birmingham City Football Club and Aston Villa Football Club where there were lots of street trading. With the mobile consent, he was pleased that ice cream vans were included as there were issues with ice cream vans that were parked outside of schools which was an accident waiting to happen. They needed to look at the timeline – there was a report to Full City Council on the 7 April 2020, there was the Metro Mayor and Police and Crime Commissioner Election.

In response to the questions and comments from Members, the officers stated that:

- a) They had been in extensive consultation with Transportation through the process of designating the red routes and Transport for West Midlands in terms of the Metro routes and they were working in partnership with them.
- b) In terms of street trading on any of the prohibited streets, this would fall to their street trading and enforcement officers to deal with. Ms Naseer highlighted that they have had other conversations with Transportation regarding things that did not fall within illegal street trading that were happening on the streets concerning what the response would be in those situations.
- c) They will continue with these conversations with Transportation as a two-prong approach both with Transportation and themselves would be more effective in getting the results they desired.
- d) In terms of charities street collections were not affected as this was a separate piece of licensing legislation and they were all looked on in their own merit.
- e) In relation to purdah, the consultation was delayed by the General Election, but Purdah was not designed to stop what was effectively routine business. If they were doing a consultation, it would affect the Metro Mayor in terms of the transportation link, however the decision-making process and anything else would not be impacted by that.
- f) In terms of the current consent holders they had gone through significant length to ensure they were aware of the policy and the consultation process.
- g) In relation to the trading associations they would get some information out as soon as possible as the consultation ends on the 23 February 2020.
- h) Regarding the Metro extension some element of the proposed East Route were included, but they were only including it at the moment what had gone through the approval process. The proposals that were yet to be approved will not be included.

## Coordinating Overview and Scrutiny Committee

Members made the following key points:

- The Council has declared a climate emergency and this should be recognised in the policy. It was noted that the policy states that units should be powered by electricity in city centre; diesel can be used outside the city centre only when no other power source is available;
- Enforcement is key and members questioned whether the resources are in place to do that – will we have the resources to enforce it? Ms Naseer explained that she had recently recruited two officers and will be looking at integrating enforcement of the policy into other employees' work. The two new recruits have already started to identify potential issues. Enforcement only relates to consented traders; with regards to illegal street traders, the Council will need to take a view regarding how to deal with their actual presence on the streets as street trading legislation does not provide powers to move them on, only to collect evidence for prosecution;
- The design brief appears very restrictive – members were concerned that these would be difficult to enforce and may discourage potential street traders. If flexibility is permitted, the policy needs to be clear about when and in what circumstances. It should be about enablement as well as
- This is a well drafted report, and the proposed policy brings Birmingham up to date;
- Some complaints relating to the street scene were about other issues, e.g. amplified music. Members were told that the wider street scene in the city centre is being looked at by regulatory services, including measures to address issues such as noise;
- There should not be an over reliance on the views of the BID managers as they may not be representative of the community, businesses and consumers
- Consultation through Be Heard is good when it works, but not all people are equipped to access it. Not all members were aware of the consultation.
- The contact centre should have the necessary information to respond to calls on the policy.